

In re: Appln No. 09/716,146

Atty Docket: 6006-018

REMARKS

The Applicant respectfully thanks the Examiner for the prompt advisory action in response to Applicant's response filed on April 14, 2003 and for the telephonic interview with the Applicants' attorney, Thomas S. Kim (Reg. No. 51,009), on May 8, 2003. In that interview, Mr. Kim presented the differences between the pending claims and the cited art in efforts to eliminate the prior art rejection but failed to reach any agreement leading to an allowance of any of the pending claims. Based on the substance of this interview, particularly the position conveyed by the Examiner, the Applicant presents this amendment and response and allowance of the claims is respectfully requested.

In efforts to expedite the allowance of the pending claims, the Applicants have amended independent claim 16 so that this claim and those that depend therefrom, claims 20 and 26-28, overcome the outstanding rejections. The structural elements of Claim 16 are amended to read, "the structural elements are comprised of a first region comprising a base layer and a second region comprising a second layer covering the base layer, the second region further comprising a layer of void space intermediate the base and second layers and enclosed therebetween." This amendment is fully supported by the specification in general as the specification discloses multiple structural regions and methods for making such. In particular, on page 5, lines 11-13, the specification discloses structural regions for placement of the internal cavities. Also, on page 11, lines 8-13, the specification discloses a deposition methodology that includes forming regions of internal cavities by depositing a second layer over a base layer. The internal cavities between the two layers serve as a layer of void space. Logically, the first region of the structural element represents the areas in which the second layer is not deposited onto the base layer. Accordingly, the amendments introduced herein are fully supported and do not constitute new matter.

The rejection of pending claims 16, 20, and 26-28 over Brown et al. (US Pat. No. 6,071,305), or alternatively over Yan (US Pat. No. 5,843,172) should be withdrawn. The cited art fails to recite all elements of the pending claims and therefore is not anticipatory. In particular, the claims recite a structural element comprising two different regions, one region formed of a base layer and the second region formed of a second layer covering the base layer to form a void region therebetween. The recited structural element is not taught or disclosed in Brown or Yan. The Patent Office's position that Brown anticipates the claims because figures 6

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and 12 show the two layers is incorrect. These figures in Brown merely show that a groove/channel or cavity is formed in the structure and, thus, a part of the structure is shown separate from the bulk of the structure in these cross-sectional drawings. The Applicant contends that this does not show two layers. A layer is defined as "a single thickness, coating, or level of material." The American Heritage Dictionary, Third Ed., p. 474 (1994). The figures 6 and 12 do not even identify the separated part of the structure as another item, let alone another layer. In contrast, the claimed invention is directed to a structural element that has a region formed from a second layer covering a base layer with a void space defined between the two.

Yan fails to suggest or anticipate the claimed invention because the suggested layers (110 and 112) do not define a void region. Instead Yan discusses on col. 8, ln. 52-59, that two layers formed of smaller diameter particles sandwiches a core layer formed of larger pores. The core layer is not a void region. On the contrary, the core layer in Yan is simply an area near the center of the structure that has "larger pores" than the other areas and not a "layer of void space" that is distinct from the base layer or second layer of the structural element.

Accordingly, the cited art does not anticipate the pending claims and allowance is respectfully requested.

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CONCLUSION

Based upon the foregoing amendments, pending claims 16, 20 and 26-28 are suitable for allowance and Applicants respectfully request allowance of these claims.

This Amendment and Response to Final Office Action is deemed timely along with the accompanying Extension of Time and appropriate fees; however, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Rosenbaum & Associates, P.C. deposit account No. 18-2000.

The Examiner is encouraged to telephone the undersigned should there be any outstanding issues which may be resolved telephonically.

Respectfully submitted,



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Reg. No. 51,009

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